

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 11-5—SB 859

Planning and Development Committee

**AN ACT EXTENDING THE TIME OF EXPIRATION OF CERTAIN
LAND USE PERMITS**

SUMMARY: This act gives developers more time to complete certain ongoing projects without seeking reapproval from a land use commission or an inland wetlands agency. It does so by extending the initial and extended deadlines that apply to subdivisions, wetlands permits, and small-scale site plans approved before July 1, 2011, on which approval has not expired by the act's effective date (i.e., May 9, 2011).

EFFECTIVE DATE: Upon passage

PROJECT APPROVAL EXPIRATION

By law, when a zoning, planning, or planning and zoning commission or an inland wetlands agency approves a project, it must set an expiration date. A developer must complete the project before that date or resubmit it for approval to the commission or agency. The expiration date must fall within the timeframes the law specifies. The timeframes vary depending on the municipality and the nature of the project. Generally, they are between five and 10 years from approval for subdivision, wetlands permit, and small-scale projects that require a site plan. In the case of approvals of site plans and subdivisions (other than for 400-plus-unit site plan projects) the commission can grant an extension. Wetland agency approvals must be renewed unless the agency finds there has been a substantial change in circumstances or an enforcement action was taken regarding the regulated activity for which the permit was issued. But longer initial and extended deadlines apply to projects approved between July 1, 2006, and July 1, 2009.

The act (1) further extends the deadlines for projects approved between July 1, 2006 and July 1, 2009; (2) extends the deadlines for projects approved between July 1, 2009 and July 1, 2011; and (3) extends the deadlines for projects approved before July 1, 2006, on which approval has not expired by the act's effective date (i.e., upon passage). In all cases, the changes only apply to projects whose approval has not expired by the act's effective date (i.e., May 9, 2011).

Table 1 illustrates the changes for projects approved (1) before July 1, 2006 and (2) between July 1, 2009 and July 1, 2011. Table 2 describes the changes for projects approved between July 1, 2006, and July 1, 2009.

Table 1: Deadlines and Extensions under (A) Existing Law for Projects Approved before July 1, 2006 and after May 9, 2011 (i.e., the act's effective date) and (B) the Act for Projects Approved between July 1, 2009 and May 9, 2011

OLR PUBLIC ACT SUMMARY

INITIAL DEADLINES		
Land Use Approval	Existing Law (CGS §)	The Act (§)
Residential site plans for projects with more than 400 units	Within 10 years after approval (CGS 8-3(j))	No change
Business site plans for projects with at least 400,000 square feet	Within 10 years after approval (CGS 8-3(j))	No change
Other site plans	Within five years of approval (CGS § 8-3 (i))	Not less than nine years after approval (§ 1)
Subdivisions plans for 400 or more dwelling units	Within 10 years of approval (CGS § 8-26g (a))	14 years after approval (§ 3)
Other subdivisions	Within five years of approval (CGS § 8-26c (a))	Not less than nine years after approval (§ 2)
Wetlands permits for site plans and subdivisions	Up to five years after approval (CGS § 22a-42a (d)(2))	Not less than nine years after approval (§ 4)
Other wetlands	Between two and five years after approval (CGS § 22a-42a (d)(2))	
EXTENSIONS (Absolute Deadlines)		
Land Use Approval	Existing Law	The Act (§)
Residential site plans for projects with more than 400 units	Within 10 years after approval (CGS 8-3(j))	No change
Business site plans for projects with at least 400,000 square feet	Within 10 years after approval (CGS 8-3(j))	No change
Other Site Plans	Up to 10 years from approval (CGS § 8-3 (i))	Up to 14 years from approval (§ 1)
Subdivision plans for 400 or more dwelling units	No extensions (CGS § 8-26g)	No change (§ 3)
Other subdivisions	Up to 10 years from approval (CGS § 8-26c (b))	Up to 14 years from approval (§ 2)
Wetlands permits for site plans and subdivisions	Up to 10 years from approval (CGS § 22a-42a (d)(2))	Up to 14 years from approval (§ 4)
Other wetlands permits		

Table 2: Deadlines and Extensions for Projects Approved between July 1, 2006 and July 1, 2009 under Prior Law and the Act

INITIAL DEADLINES		
Land Use Approval	Prior Law	The Act (§)
Site plans other than (1) residential site plans for projects with more than 400 units and (2) business site plans for projects with at least 400,000 square feet	Not less than six years after approval (CGS § 8-3(m))	Not less than nine years after approval (§ 1)
Subdivisions plans for 400 or more dwelling units	11 years after approval (CGS § 8-26g (c))	14 years after approval (§ 3)
Other subdivisions	Not less than six years after approval (CGS § 8-26c (e))	Not less than nine years after approval (§ 2)
Wetlands permits for site plans and subdivisions and Other wetlands	Not less than six years after approval (CGS § 22a-42a (g))	Not less than nine years after approval (§ 4)
EXTENSIONS (Absolute Deadlines)		
Land Use Approval	Prior Law	The Act
Site plans other than (1) residential site plans for projects with more than 400	Up to 11 years from approval (CGS § 8-3 (m))	Up to 14 years from approval (§ 1)

OLR PUBLIC ACT SUMMARY

units and (2) business site plans for projects with at least 400,000 square feet		
Subdivision plans for 400 or more dwelling units	No extensions (CGS § 8-26g)	No change (§ 3)
Other subdivisions	Up to 11 years from approval (CGS § 8-26c (e))	Up to 14 years from approval (§ 2)
Wetlands permits for site plans and subdivisions and Other wetlands	Not less than six years after approval (CGS § 22a-42a (g))	Up to 14 years from approval (§ 4)

Under the act, projects approved after July 1, 2011, are again subject to existing law's deadlines (i.e., the timelines generally applicable to projects approved before July 1, 2006).

OLR Tracking: JRH:KM:JL:ts